



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
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Paper No. 11

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**MAILED**

**JUL 24 2003**

**Technology Center 2100**

In re Application of: David Wilkins )  
Application No.: 09/387,502 ) **DECISION GRANTING PETITION**  
Filed: September 1, 1999 ) **TO ACCEPT CORRESPONDENCE AS**  
Attorney Docket No.: 017475-0113 ) **TIMELY FILED UNDER 37 CFR §1.8**  
For: METHOD AND APPARATUS FOR )  
CONTROLLING A GRAPHICS ENGINE )

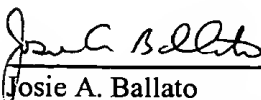
This decision is in response to the request to reconsider and rescind abandonment of this application filed on July 8, 2003. The request is being considered a petition to accept papers as timely filed under 37 CFR §1.8. This application was abandoned for failure to respond to the Office action mailed October 17, 2002 (Paper No. 7).

In support of the petition, petitioners have provided (1) a copy of the post card receipt with a stamped date of April 17, 2003, (2) a copy of a Notice of Appeal accompanied by a petition for an extension of time, and (3) a photocopy of applicant's check for fees.

A postcard receipt that itemizes and properly identifies the items that are being filed serves as *prima facie* evidence of receipt in the USPTO as of the date stamped thereon (see MPEP §503). Therefore, petitioner's evidence establishes that a timely response was, in fact, filed on April 17, 2003. The abandonment was the result of Office error in not matching the response to the application file.

The petition is **GRANTED**. The application was not abandoned, in fact. The Office regrets any inconvenience caused by this error.

The application file is being forwarded to central files to await further submission by applicant. Applicant is reminded the period for reply continues to run from the date of receipt of the Notice of Appeal which is April 17, 2003.



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